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5 Attorney for Defendant
ALTON LERAND HIRSCH

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,) Case No. CR 13-00793 JST
12 Plaintiff,)
13 v.) **STIPULATION TO CONTINUE STATUS
CONFERENCE AND [PROPOSED]
ORDER**
14 ALTON LERAND HIRSCH,)
15 Defendant.)
16 _____)

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18 With the agreement of the parties, and with the consent of the defendant, the Court enters
19 this order vacating the current first appearance /status conference before Judge Jon S. Tigar,
20 setting a new date for January 24, 2014 at 9:30 a.m., and excluding time under the Speedy Trial
21 Act from January 17, 2014 to January 24, 2014. The parties agree and stipulate, and the Court
22 finds and holds, as follows:

23 1. The defendant, Alton Lerand Hirsch, was indicted on December 10, 2013 on three
24 counts of violating 21 U.S.C. 860(a) (possession with intent to distribute and distribution of
25 cocaine base within 1000 feet from a school).

2. Defendant was arraigned before Magistrate Judge Ryu and entered pleas of not guilty as to all counts. On December 19, 2013, defendant Hirsch was released from detention on a \$30,000 unsecured bond. A hearing before district court Judge Tigar was set for January 17, 2014 at 9:30 a.m. Time was excluded from December 19, 2013 to January 17, 2014.

3. Defense counsel Jennifer Schwartz has, since the last hearing before Judge Ryu in this matter, learned that an *ex parte* motion resulted in a hearing being set for the same date and time in a case in which she is plaintiff's counsel of record: *Spiess v. Gateway Community Charters*, 34-2012-00120030, pending in Sacramento Superior Court. Ms. Schwartz would ideally appear in the *Spiess* matter in person, but because the hearing is at 9:30 a.m. on January 17, even if she were to appear at the *Spiess* hearing by telephone, she would not be able to be present for the hearing at the same time in this matter.

4. Given counsel's conflict, the parties have agreed to continue the hearing in this matter to January 24, 2014.

Accordingly, with the consent of the defendant, the Court hereby continues the January 17, 2013 hearing date until January 24, 2014 at 9:30 a.m. On the grounds that the continuance is necessary to preserve continuity of counsel, the Court further orders that the period from January 17, 2014 until January 24, 2014 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161.

IT IS SO STIPULATED:

Dated: January 13, 2014

/s/
ALEXANDRA SUMMER
Assistant United States Attorney

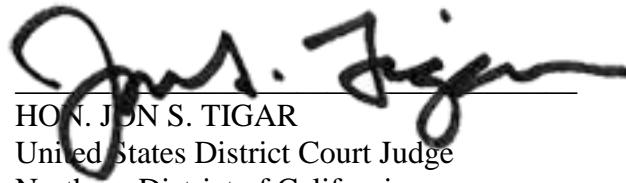
**STIPULATION TO CONTINUE ARRAIGNMENT DATE AND [PROPOSED] ORDER
CR 13-00793 JST**

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2 Dated: January 13, 2014

3 _____ /s/
4 JENNIFER SCHWARTZ, (SBN 135932)
5 Attorney for Defendant
6 ALTON LERAND HIRSCH

7 IT IS SO ORDERED.
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9 DATED: January 13, 2014
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12 HON. JON S. TIGAR
13 United States District Court Judge
14 Northern District of California
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